

proceeds of the property of the said legatees, which have or may come to their hands.

On the 22d of February, 1830, the trustee *Wayman*, by way of report, brought into court the vouchers of three claims which he had held for the estate and legatees of his testator; and declining to give bond, as required by the decree of the 5th of November, 1829, said, that in conformity, as he believed, to the wishes of *Jones* and wife, recommended in his place *Joshua Jones*, of Frederick county. And *Jones* and wife, by their petition, filed on the 9th of March following, expressed their assent to the resignation of the trustee *Wayman*; and proposed, with the approbation of the court, that *Joshua Jones*, of Frederick county, should be appointed in his place. To which proposition the solicitor of the trustee *Stockett*, and of *Larkin Shipley*, the legatee, by their note in writing, expressed their consent. Upon which the matter was submitted.

20th March, 1830.—BLAND, *Chancellor*.—The petitioner is *Samuel Jones* of *Joshua*, that is, as it would seem, the son of this *Joshua Jones* of Frederick. If that be the case, then it appears, that after having failed to have himself appointed trustee of this legacy of \$7,000, and thus directly getting it into his own hands, he now, indirectly, seeks to attain the same object, by having it placed in the hands of his father. In answer to such movements I would say, in the language of one of England's most distinguished Chancellors, Lord Nottingham, 'I like not that a man should be ambitious of a trust when he can get nothing but trouble by it;' (c) and therefore declare, without any reflection on this *Joshua Jones* of Frederick, that he shall not, as trustee, meddle with this trust.

It is true, that this court may, for just cause, remove a trustee and appoint another in his place; as where the trustee had become, by reason of age or infirmity, unable to attend to his duties; (d) or where a *feme sole* trustee had married a foreigner; for, although a *feme covert* is not incompetent to officiate as a trustee, yet there is much inconvenience in her doing so, and especially when she may, as the wife of a foreigner, be taken out of the state; (e) or where the trustee had gone abroad to reside; (f) or had absconded on a charge of forgery; (g) or had been guilty of a breach

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(c) *Uvedale v. Ettrick*, 2 Cha. Ca. 131.—(d) *Hibbard v. Lambe*, Amb. 309; *Bennet v. Honeywood*, Amb. 710.—(e) *Lake v. De Lambert*, 4 Ves. 593.—(f) *Buchanan v. Hamilton*, 5 Ves. 722.—(g) *Millard v. Eyre*, 2 Ves. jun. 94.